



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
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November 24, 2020

By ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *New York v. Chad F. Wolf, et al.*, No. 20 Civ. 1127 (JMF) (S.D.N.Y.)
Lewis-McCoy, et al. v. Chad Wolf, et al., No. 20 Civ. 1142 (JMF) (S.D.N.Y.)

Dear Judge Furman:

This Office represents the defendants in the above-referenced actions. Yesterday afternoon, the Office of the Chief Counsel at U.S. Customs and Border Protection (“CBP”) informed this Office that it learned last week that American Samoa and the Commonwealth of the Northern Mariana Islands—in addition to those jurisdictions previously identified by CBP in filings before this court—have not been returning information responsive to Nlets Driver’s License, Vehicle Registration, and Driver History queries. American Samoa and the Commonwealth of the Northern Mariana Islands were not identified in paragraphs 17 and 18 of the corrected declaration of Pete R. Acosta, Dkt. No. 113-1 ¶¶17-18, paragraph 14 of the corrected declaration by Robert E. Perez, Dkt. No. 113-2 ¶ 14, and page 7 of the government’s report, Dkt. No. 113 at 7.¹ These jurisdictions were also not identified on pages 8 and 9 of the defendants’ memorandum of law in support of a protective order, Dkt. No. 117 at 8-9, as this memorandum relied on the corrected Acosta Declaration. CBP regrets this further error and is working diligently on a declaration explaining how the omission occurred. CBP expects to file that declaration by December 2, 2020. In the interim, however, this Office wished to provide this update to plaintiffs and the Court as soon as possible.

We thank the Court for its consideration of this letter.

¹ Docket numbers refer to the docket of *New York v. Wolf*, No. 20 Civ. 1127 (JMF) (S.D.N.Y.).

Respectfully submitted,

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